

Life After NESWC Committee  
Minutes of Meeting  
July 27, 2004  
Town Hall, Room 204

Members present: Ann Chang, Bob Johnson (chair), David Stone, Carol Holley (clerk), Pat Clifford, John Murray

Members absent: Peter Ashton

Guests: Gary McCarthy, Ronald Noret, Sally Edwards

The meeting opened at 7:15 p.m.

The minutes of the previous meeting were reviewed and corrected. Ms Chang moved to accept the minutes as corrected, Mr. Johnson seconded, and all voted in favor.

Mr. McCarthy related that he had discussed RFP possibilities with Mr. Murray. It's a long list that could be developed, but it was decided it was the best way to go in order to get a handle on the value of some of the alternatives. The alternatives may be able to be narrowed down before going out to proposers.

Ms Edward asked why there would be six different RFPs instead of just one with multiple alternatives. Mr. Johnson replied that the RFPs are about what a developer would pay for certain alternatives – how much is it worth to be able to install a commercial nursery on top of the landfill? Ms Chang felt the first thing was the most important – each one has to close or cap the landfill in accordance with DEP regulations. These things are what we felt were possibilities for reuse of the landfill site. They are separate kinds of functions. Mr. Johnson added, this is the best we can do to get some hard numbers. Ms Chang added, we don't know the value of the asset. The first is reuse of the landfill without the transfer station. Mr. Johnson had spoken with Mr. Ashton, then Mr. Murray, and he believes all these alternatives will generate responses. Capping the landfill could be essentially free if construction/demolition waste is used.

Mr. Stone did not understand the piece about whether or not it made sense to embed capping in a series of potential development proposals. It may be that your best bet on redevelopment use comes from somebody who is not interested in the recapping. The alternative – the nice thing about an RFP is that it presupposes that you will get a market-based bid assuming that the person who wants to build a nursery knows how much the capping will cost. However, it means possibly comparing apples and oranges and different assumptions would be made. There may be a feasibility study or investigation stage necessary to provide a common ground of assumptions before you can get any bids.

Mr. McCarthy, per query of Ms Holley on landfill redevelopment, noted that Reading has built a Home Depot on top of a former landfill. Jordan's furniture is also going in on that site. They have to be built in a way that keeps the integrity of the cap while you put in

pilings. It's doable from a construction standpoint. Reading has 50 acres. Acton has 18 acres.

Ms Edward suggested that it might be cleaner to have an RFP for the closure/capping issue separate from the development issue. People who do landfill closures are a different set of people from those who build malls. It's not clear the way this is written what one is trying to achieve. Mr. Murray responded that when you put in the buildings, you have to close the landfill – you can't close and then put in the pilings. The developer will have to know that they will have to close the landfill along with whatever else they are doing. Mr. Stone asked if there was any background information that bidders could be given up front in order to better respond to the RFPs. Mr. Murray stated that was one of the reasons for hiring a consultant to help generate the RFPs.

Ms Holley asked about wastewater disposal at the site. Mr. Murray noted that this site is not intended to be tied into the treatment plant, although that would make it more valuable. There is an area on the site that might perc. Mr. McCarthy assumed correctly that town water could be brought in from Forest Rd.

Mr. Stone noted that assuming there could be a recreation area, that could be for organized sports, golf, horse park, etc. – perhaps we should be a little more specific about what kind of recreation we had in mind. Passive recreation isn't as complex a proposal as something with irrigation. Mr. Ashton had suggested a driving range as a town-owned facility that could possibly generate some cash. Playing fields with irrigation are different from a BMX course. Developers need to know what kind of recreation you have in mind. Mr. Murray responded, playing fields have settlement (grading) issues.

It seemed to Ms Clifford that the end product is a moving target, and technology has changed. She hoped that, when we think about uses, we don't rely on a snapshot of what can be done right now but wait and see what the RFPs bring.

Ms Edward noted that it does seem like the RFP should spell out the recreation that the committee wants to find out about – driving range, park, surface for certain types of recreation, bike trails, or you will get a bidder that wants to do such and such. What are the three or four recreational options that the committee wants to choose among? Mr. Johnson felt it might be wise to suggest but not limit it to that if there's another sport that's pretty innocuous.

Mr. McCarthy noted that, from the developer's standpoint, it's what's feasible and what they can make money with. They will decide what makes money and we will decide if it's something we want to consider. Mr. Stone noted that if it's going to be handed back to the town – if you don't have specs, the developer will do what they want. Ms Chang could see a developer coming along proposing that the landfill be opened, used for CDW for a couple of years and then grassed over. McCarthy added that somebody might do CDW and then turn it into a driving range. Ms Chang noted that Mr. Ashton would like the Town to get user fees for a driving range.

Ms Chang wasn't sure she wanted use of the land to flow away from the Town at the end. Mr. McCarthy asked, with retain, how do you regain control? Mr. Murray noted that 99-year leases are legal. Ms Chang thought it would be nice if, when we finish, we generated income for the town. Mr. McCarthy felt that the site could go from not paying anything to something that is paying taxes. Mr. Murray felt that choices of uses could be related to the consultant.

Mr. Murray noted that use of the landfill might not be compatible with transfer station operation – we might not want something there. The RFP process will tell us whether or not they can exist with the transfer station.

Mr. Stone asked, where are the by-laws that say the Town has to provide trash service? Recognizing the politics that people who like to use the transfer station...when it was where the trash ended up, it made sense for the Town to be involved but now there is no inherent reason that the Town has to provide...with economic realities, the logic of the Town being involved went away unless you make an argument that it's important for the Town to provide – disposal costs could be perhaps only collection. There's this notion that the Town doing this has inherent value because there is resistance to change. Mr. Noret retorted, there are Towns that provide electricity although there is technology to get electricity in other ways.

Mr. McCarthy observed that the site has value to the Town either as a transfer station or as a MRF or reuse as a landfill. To close the door and walk away and provide the service (pickup) is an option.

Ms Edward expressed a different opinion regarding the responsibility of the Town and the citizens and the trash that they generate. There is more than a narrow economic point of view – we need to look at it much more holistically. It could be on the table. Mr. Stone observed that the citizens have a high probability of obligating the Town to remain in the trash business, but it should be with eyes wide open. It's not an obligation on the part of the Town and it's not inherently efficient. We could do what Concord did. Concord offers lower value service. The net effect of PAYT is to separate the market – those whose volume of trash is such that they can pay fewer dollars a week. The Town isn't reducing the cost of disposal. Mr. Stone is not against the Town doing this but he is against doing it out of some vague sense of obligation.

Ms Chang expressed hope that we will have those figures once we get into this process. The best of all possible worlds would be to keep the transfer station available and operating with citizens going a couple of days a week and having the two uses compatible. It's going to be very difficult – in fact, if the cost/economic view ends up with the closure of the transfer station the political consequences will have to be taken into consideration. We don't have any numbers and that is what we are trying to get through tonight.

Mr. McCarthy noted that we could spend lots of money for a consultant to do a feasibility study and figure out what the alternatives might be worth. The RFP process is the best

way to get the information we need. We can take the recommendations as an alternative to paying a consultant to show – we should have a consultant on board to help develop the RFPs.

Mr. Murray stated that the RFP consultant bids have come in; CDM, VHB, and Weston/Sampson responded. They are closely grouped in price in the \$15-20k range. Dick Howe, David Brown and Bruce Stamski are looking at the bids. The engineering firms will provide their own approaches and they are meeting what we want to do. It's just qualitative. We are on a real short timetable. Ms Clifford modified – we are on a horrible timetable to get anything done.

Mr. McCarthy felt that if the process just took a step forward to November when we receive these RFPs and, if I was the developer of an office park and I have a team to put in a foundation, cap the landfill, provide a number – that number could be fairly meaningless and it would not be binding. There might be a lot still unknown. Maybe we will provide them with boring information but there is a lot of information that they won't have to give pricing. We are going to try to make decisions based on the information we get in November. People need to be aware that some of the proposals we get might not be realistic. Mr. Murray agreed, noting that this will be a moving target – we will not have final numbers.

Mr. Johnson brought up transfer station alternatives. Mr. Stone noted that there is nothing really magical about the NESWC contract ending because we are already in the business of trash brokering – we can just adjust the time line. We aren't really under the gun. It would be great to get to a final solution at Town Meeting but it's better to make a good decision and implement it later.

Ms Chang noted that her problem with the time line is allowance for public input and education – what the public thinks about the alternatives before we make a decision – we have to have the input and education first. Mr. Stone noted that the Town could simply sign a one-year contract with NESWC.

Mr. Johnson felt there was room for a public information meeting. Mr. Murray noted one was being considered for late October/early November. Perhaps the committee could put together a preliminary selection list and then refine it. This is less time than people wanted to prepare things. You can't get input until you have something to talk about. Ms Clifford felt a decision should be made at this meeting.

Ms Chang drafted a motion that the committee go forward with the landfill and transfer station alternatives as outlined in the John Murray memo dated 7/27/04, and have staff get consultants on board to write the RFPs. Ms Clifford seconded.

In discussing the motion, Ms Edward noted that under Section II the option of PAYG should be referred to as “unit rate” or “variable rate” pricing. The way Ms Edward read the document, the committee is asking for consideration of a lot of different things, including set price or variable rate pricing. Variable rate pricing is designed to encourage

people to generate less waste and recycle more. We are asking the bidders to come up with two different kinds of pricing schemes. We want to consider both. Ms Edward noted that PAYT is the popular term for this process but it's really variable rate, which could be based on weight or volume. In terms of timing, Ms Edward supported going forward because it will generate lots of information the committee doesn't have now, and it will become clear by the end of October whether there is enough information to put it in front of the Town. It's worth it to make this effort. Mr. Johnson added, we will make progress, at least, if we try to stick to the time-line.

Mr. Noret observed that with a tight time-line the committee might not get the desired quality of responses. Ms Chang noted that has always been a concern. Ms Clifford felt there were people who were already thinking about that property.

All voted in favor of the motion to go forward.

Mr. Murray stated that one concern for the committee to address is the fear that someone in Town will pick bits of information up from a vendor that here's this RFP for an office park....the best thing the committee could do is draft something for the paper and the web page – we are trying to get information to evaluate. Just because people hear about something doesn't mean it's going to happen. We need to manage the rumor mill.

Ms Clifford asked why landfill reuse appeared, in the memo, to be of a higher priority than the transfer station issue. Mr. Murray stated that the order in the memo was not a priority order but the order in which he had met with subcommittees.

Ms Edward noted the resource management document Ms Holley had forwarded the committee. This system provides incentives for a trash hauler to collect tonnage versus refuse. Private industries have started doing resource management contracting but Ms Edward didn't know of any municipalities that have done it. She didn't know if anyone had considered this process for Acton. The initial contract is written quite differently. There's a waste hauler in Framingham that has a side business in recycling. Resource management is a new trend in waste management. Mr. Johnson and Ms Chang felt that it's easier to centralize the waste stream in large private companies than in a community. Ms Chang felt it was hard to get people to recycle.

Mr. Johnson suggested discussing the timeline. Ms Chang asked about how the town of Lincoln runs their community information meetings – how many discussion points, issues, etc. are talked about? Mr. Murray stated that is in the development stage. Peter. Ashton, Dore. Hunter and Don Johnson are going to talk to the Lincoln Selectmen. This process will be difficult because it's a fall town meeting. For the major themes of the year, you engage the public early so town meeting isn't hearing "you ask for comments after you make decisions". The public is to get the major themes of what's coming out to Town Meeting early, to engage them in the discussion while the discussion is still going on.

Ms Chang thought Lincoln focused on particularly divisive issues. The citizens in Lincoln guide the discussion, but Acton doesn't necessarily have to do that. Ms Clifford asked, will we still have public meetings? Mr. Johnson and Ms Chang said that this process will have its own public meeting. If the push for the Lincoln-style meeting is for budgetary things, the LAN issue is something that will come up. We should have a NESWC type of meeting where people can look at all these alternatives. The public input meeting could be in early January. We should try to have public input before we decide what we are going to say to somebody else. Mr. Johnson noted that the bids are scheduled to open up on November 20. Mr. Murray observed that the bids will have a lot of ambiguities. Ms Chang pondered "doing trash for the holidays..."

Mr. Murray stated that what he consistently sees is subcommittees getting out in front of the rest of the town. You have to work it back and forth between the public and the Selectmen at the same time. Ms Chang reminded that two Selectmen are on the LAN committee and they can relate the trends that are happening.

Mr. Stone felt that if we can, while staff is analyzing the bids, begin to do our work on what the alternatives are beginning to look like – he didn't think the committee should just sit and wait for 5 weeks. It may become apparent after opening the bids that we can't get this done before Town Meeting. Mr. Murray felt it could be really easy, and it could be really difficult – this is also the time when staff is preparing departmental budgets. Mr. Johnson felt that once the bids were received they could be prioritized, and the committee could start working on them.

Ms Chang felt it very counterproductive to try to do a public meeting in December. Mr. Stone felt it was difficult to have a public meeting before the committee knows that the subtleties are. Ms Chang agreed that information needs to be in the paper and on the web site. Mr. Murray felt that if he committee does have an issues meeting in November, it's another time to keep the public involved with where we are going.

Mr. Johnson asked for reports and status updates.

Mr. McCarthy asked, how to RFPs go out? Mr. Murray noted there are two legal channels – the bulletin board in town hall and on line with COMM-PASS. They will also go out in trade magazines, etc. You have to reach out beyond the legal postings. They can be sent out to anyone you know. Consultants writing the RFPs can't answer them. The one suggestion that all three consultants made was to do one RFP with all the alternatives, but Mr. Murray told Bruce Stamski to do them individually.

Mr. Stone was concerned that people who get the office park RFP don't think that is the only alternative being considered – people need to know that this is part of a broader exercise, especially if someone thinks of a scenarios we haven't considered yet. WMI, BFI, and McKeegan have already been in to walk the site. Mr. Murray thought the auto auction might also be interested. Most of this requires new zoning – so why not put it down?

Mr. Stone asked about a downsized transfer station. Mr. Murray felt that the numbers broke down to be even. Private haulers might want 300,000 tons and right now it's permitted at 27,000 and 5,000 tons. What size do people want? Mr. Murray observed that the capacity isn't related to the floor size of the facility but how fast you can work materials through. The big haulers would redesign the transfer station to have a drive-through arrangement, and would want to have a piston operation to fill the trailers. Ms Chang repeated – the permit is 27,000. Mr. Murray noted that the town is bringing forth an EIR for a greater amount and staff is trying to figure out how much more.

Mr. Johnson asked when the committee should meet next. He noted that Mr. Stone's basic document stands as a framework. Mr. Johnson will have a draft article ready for the paper within a week. Mr. Murray noted that he will be on vacation the 2<sup>nd</sup> and 3<sup>rd</sup> weeks of August. Ms Clifford and Mr. McCarthy are away the week of the 15<sup>th</sup>. It was decided that the next meeting would be August 23, at 7:00 p.m. The consulting firm helping to draft the RFPs and Mr. Stamski will attend.

Per motion made by Mr. Murray, seconded by Ms Clifford, and unanimously approved, Mr. Johnson will set up subcommittees to work on documents if he feels it's necessary.

Mr. Johnson moved to adjourn, Ms Chang seconded, and all voted in favor. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Carol Holley